

EMERY CELLI BRINCKERHOFF & ABADY LLP

RICHARD D. EMERY  
ANDREW G. CELLI, JR.  
MATTHEW D. BRINCKERHOFF  
JONATHAN S. ABADY  
EARL S. WARD  
ILANN M. MAAZEL  
HAL R. LIEBERMAN  
DANIEL J. KORNSTEIN  
O. ANDREW F. WILSON  
ELIZABETH S. SAYLOR  
KATHERINE ROSENFELD  
DEBRA L. GREENBERGER  
ZOE SALZMAN  
SAM SHAPIRO

ATTORNEYS AT LAW  
600 FIFTH AVENUE AT ROCKEFELLER CENTER  
10<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10020

TEL: (212) 763-5000  
FAX: (212) 763-5001  
www.ccbalaw.com

CHARLES J. OGLETTREE, JR.  
EMERITUS

DIANE L. HOUK  
JESSICA CLARKE

ALISON FRICK  
DAVID LEBOWITZ  
DOUGLAS E. LIEB  
ALANNA KAUFMAN  
EMMA L. FREEMAN  
DAVID BERMAN  
ASHOK CHANDRAN

DANIEL TREIMAN

October 12, 2018

*Via ECF*

Hon. Loretta A. Preska  
Senior United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

*Re: Lopez, et al. v. City of New York, et al., 17 Civ. 00181 (LAP)*

Your Honor:

Together with the law firm of Romano & Kuan, this firm represents plaintiffs Eliezer Lopez and Suhail Laureano. We write to respectfully request the Court reconsider that portion of today's Order that dismissed Plaintiffs' federal claim. Dkt. 36.

Given the Court's denial of Plaintiffs' request to remand, there is no basis to dismiss Plaintiffs' federal claim. Plaintiffs' conference request proposed a remand to state court "to allow [Mr. Lopez] to attend trial in the Bronx to accommodate his health." Dkt. 31 at 1. "The only reason to withdraw the federal claim," we noted, would be "to allow Mr. Lopez to reduce his travel" and the attendant physical pain he would suffer from a prolonged commute to the Southern District of Manhattan. *Id.* While it was within the Court's discretion to deny Plaintiffs' conditional remand request, having done so, there is no remaining request before the Court to dismiss their federal claim. Plaintiffs do not consent to the dismissal of their federal claim, without a corresponding remand, and there is no other basis to dismiss that claim. Accordingly, while we do not seek reconsideration of the Court's denial of the conditional remand request, we respectfully request the reinstatement of Plaintiffs' federal claim.

Respectfully Submitted,



O. Andrew F. Wilson

cc. All counsel of record (via ECF)